

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

MICHAEL DELUCA,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 3:20-CV-1242-MAB
)	
COMMISSIONER OF SOCIAL)	
SECURITY,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

BEATTY, Magistrate Judge:

Before the Court is the parties' Joint Motion for Remand for Further Proceedings Pursuant to Sentence Four of 42 U.S.C. § 405(g) (Doc. 26).¹

The parties ask that this case be remanded for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). A sentence four remand (as opposed to a sentence six remand) depends upon a finding of error, and is itself a final, appealable order. *See Melkonyan v. Sullivan*, 501 U.S. 89 (1991); *Perlman v. Swiss Bank Corporation Comprehensive Disability Protection Plan*, 195 F.3d 975, 978 (7th Cir. 1999). Upon a sentence four remand, judgment should be entered in favor of Plaintiff. *Shalala v. Schaefer*, 509 U.S. 292, 302-303 (1993).

¹ This case was assigned to the undersigned for final disposition upon consent of the parties pursuant to 28 U.S.C. §636(c) (*see* Doc. 11).

The parties agree that, upon receipt of the Court's order, the Appeals Council will vacate all findings in the Administrative Law Judge's (ALJ) decision and remand the matter to the ALJ for a new hearing and new decision.

The parties agree that, upon remand, the ALJ will:

evaluate the claimant's RFC, with citation to the medical evidence that supports each limitation assessed and with consideration for all impairments; evaluate the claimant's subjective statements under SSR 16-3p; obtain additional vocational evidence as warranted; and issue a new decision.

(Doc. 26).

For good cause shown, the parties' Joint Motion for Remand (Doc. 26) is **GRANTED**. The final decision of the Commissioner of Social Security denying Plaintiff's application for social security disability benefits is **REVERSED and REMANDED** to the Commissioner for rehearing and reconsideration of the evidence, pursuant to sentence four of 42 U.S.C. § 405(g). The Clerk of Court is directed to enter judgment in favor of Plaintiff.

IT IS SO ORDERED.

DATED: October 14, 2021

s/ Mark A. Beatty
MARK A. BEATTY
United States Magistrate Judge